Protected Health Information Management Tool (PHIMT)

Update Session: Complaint Process

June 2005

TMA Privacy Office

Agenda

- Background of HIPAA Complaints

- PHIMT Complaint Process

- Documentation

Training Objectives

- Upon completion of this course, you will be able to:

  – Describe the background of HIPAA complaints

  – Understand how a complaint is processed using the PHIMT

  – Maintain appropriate documentation

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Background of HIPAA Complaints

Objectives

- Upon completion of this lesson, you will be able to:

  - Identify who has the right to complain and why

  - Determine what is/is not a HIPAA complaint

Right to Complain

- All beneficiaries have the right to complain if they believe their privacy rights have been violated or if they feel the covered entity has failed to meet their responsibilities

- These rights, according to the Notice of Privacy Practices (NoPP), include:

  - Right to Inspect and Copy

  - Right to Request Restrictions

  - Right to Request Confidential Communications

  - Right to Request Amendment

  - Right to an Accounting of Disclosures

  - Right to Obtain a Copy of the NoPP

What is/is not a valid HIPAA Complaint

- Most beneficiaries do not understand what constitutes a valid HIPAA Complaint under the rule
- Privacy Officer will need to critically read the complaint to determine if it is a valid complaint
- Things to look for:
  - Beneficiary distributed information (No longer PHI)
  - Was information distributed as part of TPO?
  - Was information distributed based on 14 Uses and Disclosures, was disclosure recorded?
  - Is reason for complaint HIPAA based (privacy/security) or is it a personnel dispute?
- Patient Perception
  - We must serve as the patient's advocate

Background of HIPAA Complaints

Summary

- You should now be able to:

  - Identify who has the right to complain and why

  - Determine what is/is not a HIPAA complaint

Complaint Process

Complaint Process
Objectives

- Upon completion of this lesson, you will be able to:

    - Understand the ways a complaint can be routed to a MTF

    - Identify the responsibilities of the investigating officer

    - Understand the investigation process

    - Identify the reporting process

    - Explain the timeframe of a complaint

    - Enter a complaint in the Protected Health Information Management Tool (PHIMT)

Complaint Process
Routing to Facility

- HIPAA gives patients the right to send their complaint to many levels:
  - HHS/CMS
  - TMA Privacy Office
  - MTF
- Complaints sent to HHS will be routed through TMA Privacy Office to Service to MTF
- Complaints sent to TMA Privacy Office will be routed through Service to MTF
- Complaints sent to Service will be routed to MTF
- Complaints received by MTF will be investigated and reported as required

Complaint Process
Responsibilities of Investigating Officer

- Investigating Officer will typically be the Privacy/Security Officer at the MTF

- Investigating Officer responsible for:

  - Ensuring all information is verified

  - Documentation is kept in accordance with local policy

  - Timelines of investigation are met

  - That responses are provided to all necessary parties

Investigation Process

- Check local/Service policy to see if incident is in violation
- Interview all involved parties
- Verify training status in the Learning Management System of personnel involved in the complaint
- If complaint related to disclosure, check PHIMT to ensure disclosure recorded
- Consult with legal counsel
- Consult with privacy/security specialist
- Determine if a violation occurred
- Must consider the following elements in their documentation:
  - Findings, facts, opinions and recommendations

Reporting Process

- Enter results of investigation into the PHIMT

- Prepare response to party complaint was received from

- Prepare response to complainant, if complaint was received from another party

Timeframe of a Complaint

- Letter acknowledging receipt of complaint should be sent within 10 business days of receipt

- Result of investigation should be sent within 30 days of receipt

- If investigation not complete letter should be sent confirming need for more time

- If more time requested final investigation result should be sent within 60 days of initial receipt

Complaint Process
Entry into the PHIMT

- Individuals have the right to make a complaint concerning TMA's implementation and compliance of the rule

- You must provide that process and make it available

- You must document all complaints and their disposition

- You must not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any individual for exercising their rights or obligations
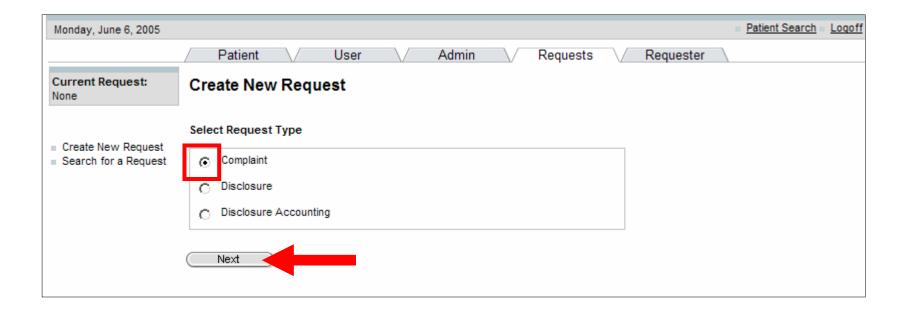
Entry into the PHIMT

- Users are able to track complaints using the PHIMT

- Allows for easy tracking and documentation of complaints in one centrally managed application

- Users can quickly create complaint reports

- Disclosures and Complaints are stored and maintained in one location and are often related

Complaint Process
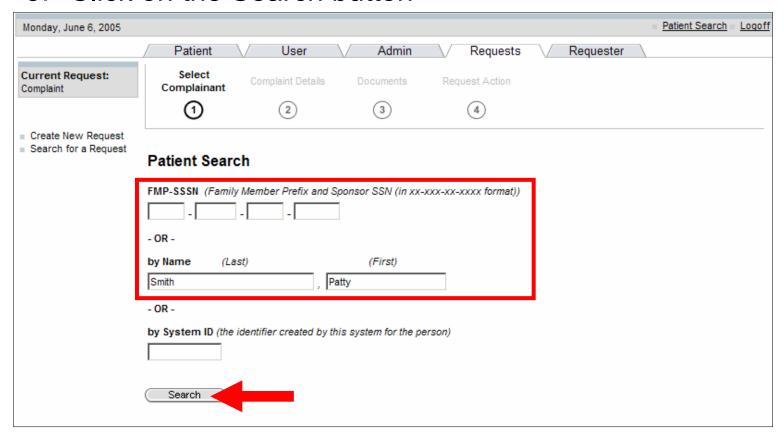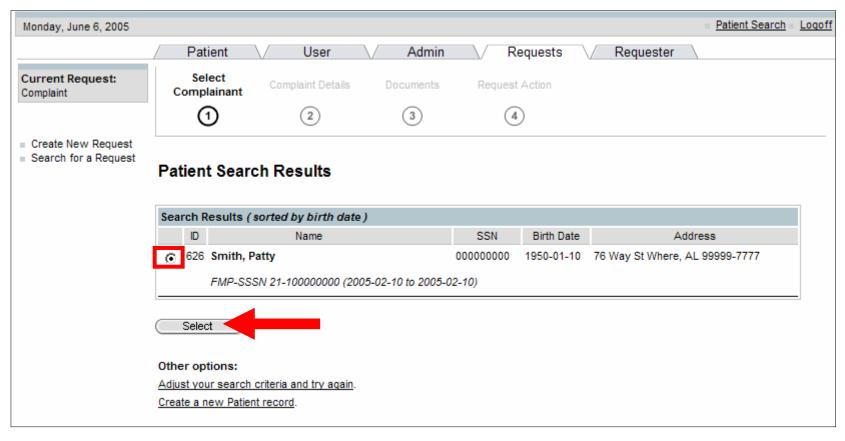# Recording a Complaint

1. Click on the Requests Tab

Recording a Complaint

- The Create New Request Screen will appear
2. Click the Complaint radio button
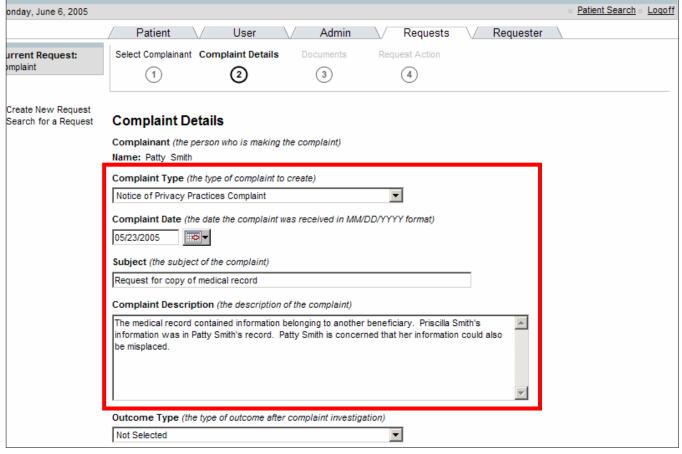3. Click on the Next button

Complaint Process
Recording a Complaint

- The Select Complainant screen will appear

4. Search for the patient (FMP-SSSN or the Patient's name)

5. Click on the Search button

Recording a Complaint

- The Patient Search Results screen will appear

6. Select the patient

Recording a Complaint

- The Complaint Details screen will appear

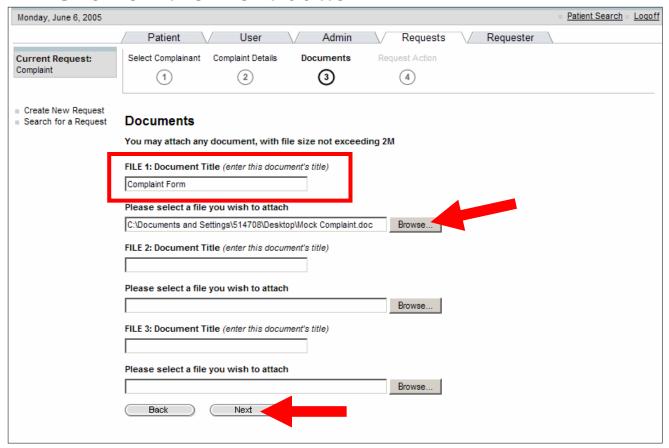7. Complete the complaint details (complaint type, complaint date, subject, complaint description)
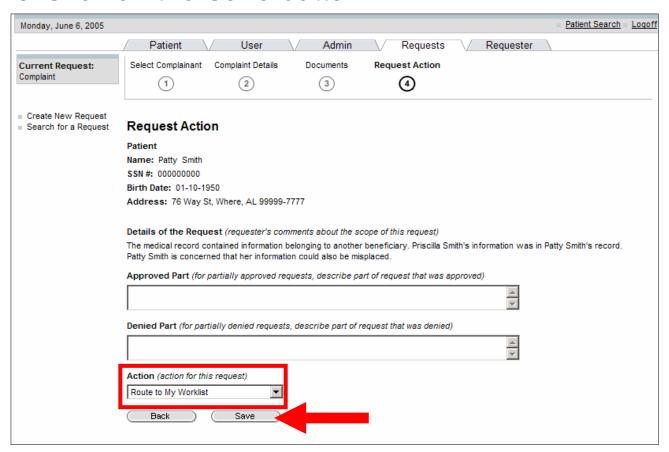
Recording a Complaint

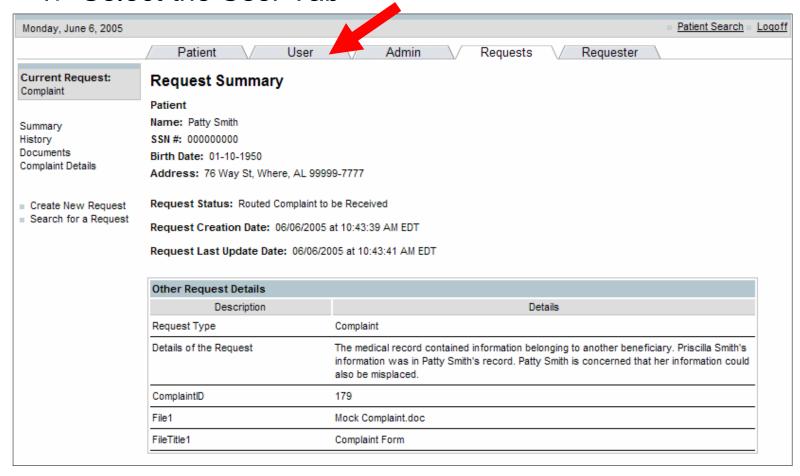8. Scroll to the bottom of the screen and click on the Next button

Recording a Complaint

9. Type in the Document Title

10. Click on the browse button to attach the file

11. Click on the Next button

Recording a Complaint

- The Request Action screen will appear

12. Select the appropriate action from the drop-down box

13. Click on the Save button

Complaint Process
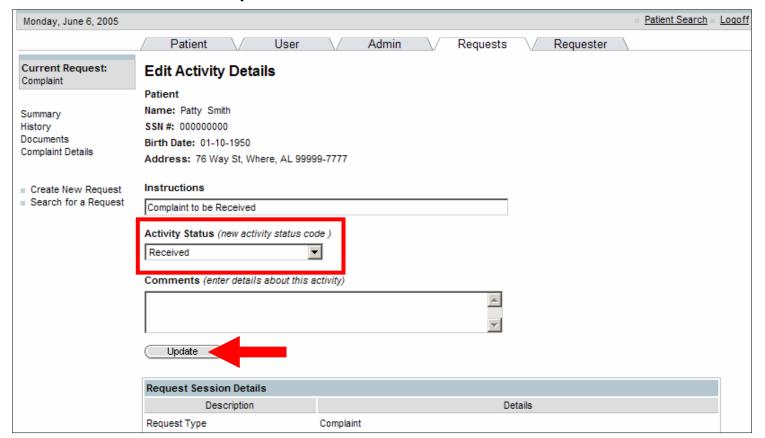# Updating the Complaint

- The Request Summary Screen will display

1. Select the User Tab

Complaint Process
Updating the Complaint

- The complaint will appear in the User Worklist
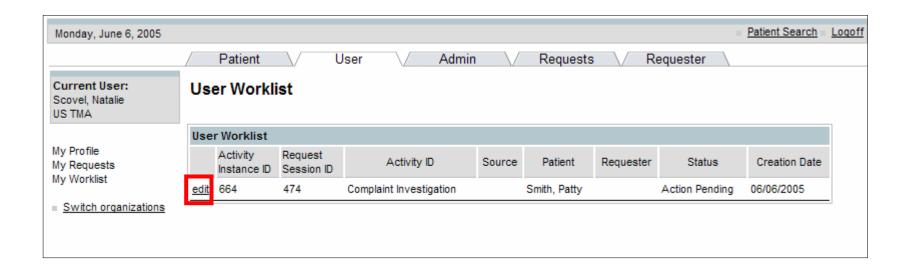
2. Select the Edit hyperlink

Updating the Complaint

- The Edit Activity Details screen will appear
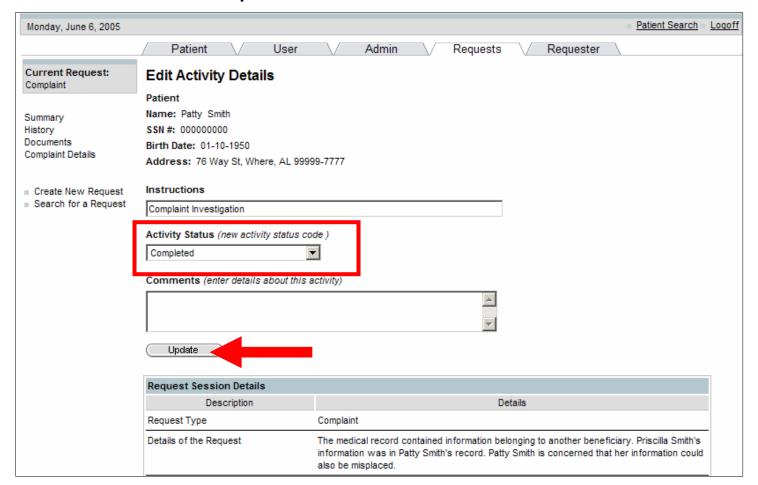3. Select Received from the Activity Status drop-down box
4. Click on the Update button

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Complaint Process
Updating the Complaint

- The Edit Request screen will appear

5. Select the User Tab

Complaint Process
Updating the Complaint

- The User Worklist screen will appear

6. Select the Edit hyperlink

Updating the Complaint

7. Select Completed from the Activity Status drop-down box

8. Click on the Update button

Complaint Process

Updating the Complaint

- The Complaint Details screen will appear

9. Complete the Complaint Details (type, date, and description)

10. Click on the Update button

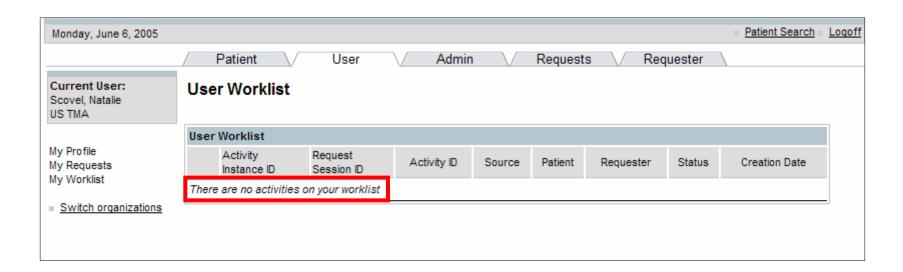# Updating the Complaint

11. Select Completed from the Activity Status drop-down box
12. Click on the Update button

Complaint Process
Updating the Complaint

- The complaint activity will no longer appear in the User Worklist

Complaint Process

Summary

- You should now be able to:
  - Understand the ways a complaint can be routed to a MTF
  - Identify the responsibilities of the investigating officer
  - Understand the investigation process
  - Identify the reporting process
  - Explain the timeframe of a complaint
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Documentation

- HHS plans to investigate as necessary

- Maintain thorough documentation:
    - Ensure policy and procedures outlines how documentation will be kept at MTF

    - Should include any conversations with complainant

    - Include proof of HIPAA training for involved parties

    - PHIMT report of recorded disclosures

    - Results of any meetings on complaint

    - Copy of final response letter

HIPAA Complaints Summary

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  - Understand how a complaint is processed using the PHIMT

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Resources

- DoD 6025.18-R, "DoD Health Information Privacy Regulation", January 2003

- www.tricare.osd.mil/tmaprivacy/HIPAA.cfm

- privacymail@tma.osd.mil for subject matter questions

- hipaasupport@tma.osd.mil for tool related questions

- http://www.tricare.osd.mil/tmaprivacy/Mailing-List.cfm to subscribe to the TMA Privacy Office E-News

- Service HIPAA Privacy representatives